

**§ 655.550**

*by country* at 22 CFR 89.1). In that event, an attestation would no longer be required under subpart F of this part, since upon being removed from the non-reciprocity list the performance of longshore work by alien crewmembers would be permitted under the reciprocity exception at sec. 258(e) of the Act (8 U.S.C. 1288(e)). Requests for withdrawals shall be in writing and shall be directed to the Certifying Officer.

(b) Withdrawal of an attestation shall not affect an employer's liability with respect to any failure to meet the conditions attested to which took place before the withdrawal, or for misrepresentations in an attestation. However, if an employer has not yet performed the longshore activities at the location(s) in question, the Administrator shall not find reasonable cause to investigate unless it is alleged, and there is reasonable cause to believe, that the employer has made misrepresentations in the attestation or documentation thereof, or that the employer has not in fact given the notice attested to.

**PUBLIC ACCESS**

**§ 655.550 Public access.**

(a) *Public examination at ETA.* ETA shall make available for public examination in Washington, DC, a list of employers which have filed attestations under this subpart, and for each such employer, a copy of the employer's attestation and accompanying documentation it has received.

(b) *Notice to public.* ETA periodically shall publish a list in the FEDERAL REGISTER identifying under this subpart employers which have submitted attestations; employers which have attestations on file; and employers which have submitted attestations which have been found unacceptable for filing.

(Approved by the Office of Management and Budget under Control No. 1205-0309)

**APPENDIX A TO SUBPART F OF PART  
655—U.S. SEAPORTS**

The list of 224 seaports includes all major and most smaller ports serving ocean and Great Lakes commerce.

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**NORTH ATLANTIC RANGE**

Bucksport, ME  
Eastport, ME  
Portland, ME  
Searsport, ME  
Portsmouth, NH  
Boston, MA  
Fall River, MA  
New Bedford, MA  
Providence, RI  
Bridgeport, CT  
New Haven, CT  
New London, CT  
Albany, NY  
New York, NY/NJ  
Camden, NJ  
Gloucester City, NJ  
Paulsboro, NJ  
Chester, PA  
Marcus Hook, PA  
Philadelphia, PA  
Delaware City, DE  
Wilmington, DE  
Baltimore, MD  
Cambridge, MD  
Alexandria, VA  
Chesapeake, VA  
Hopewell, VA  
Newport News, VA  
Norfolk, VA  
Portsmouth, VA  
Richmond, VA

**SOUTH ATLANTIC RANGE**

Morehead City, NC  
Southport, NC  
Wilmington, NC  
Charleston, SC  
Georgetown, SC  
Port Royal, SC  
Brunswick, GA  
Savannah, GA  
St. Mary, GA  
Cocoa, FL  
Fernandina Beach, FL  
Fort Lauderdale, FL  
Fort Pierce, FL  
Jacksonville, FL  
Miami, FL  
Palm Beach, FL  
Port Canaveral, FL  
Port Everglades, FL  
Riviera, FL  
Aguadilla, PR  
Ceiba, PR  
Guanica, PR  
Guayanilla, PR  
Humacao, PR  
Jobos, PR  
Mayaguez, PR  
Ponce, PR  
San Juan, PR  
Vieques, PR  
Yabucoa, PR  
Alucroix, VI  
Charlotte Amalie, VI

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Christiansted, VI  
Frederiksted, VI  
Limetree Bay, VI

**NORTH PACIFIC RANGE**

Astoria, OR  
Bandon, OR  
Columbia City, OR  
Coos Bay, OR  
Mapleton, OR  
Newport, OR  
Portland, OR  
Rainier, OR  
Reedsport, OR  
St. Helens, OR  
Toledo, OR  
Anacortes, WA  
Bellingham, WA  
Edmonds (Edwards Point), WA  
Everett, WA  
Ferndale, WA  
Friday Harbor, WA  
Grays Harbor, WA  
Kalama, WA  
Longview, WA  
Olympia, WA  
Point Wells, WA  
Portage, WA  
Port Angeles, WA  
Port Gamble, WA  
Port Townsend, WA  
Raymond, WA  
Seattle, WA  
Tacoma, WA  
Vancouver, WA  
Willapa Harbor, WA  
Winslow, WA

**GREAT LAKES RANGE**

Duluth, MN  
Silver Bay, MN  
Green Bay, WI  
Kenosha, WI  
Manitowoc, WI  
Milwaukee, WI  
Sheboygan, WI  
Superior, WI  
Alpena, MI  
Bay City, MI  
Detroit, MI  
De Tour Village, MI  
Essexville, MI  
Ferrysburg, MI  
Grand Haven, MI  
Marine City, MI  
Muskegon, MI  
Port Huron, MI  
Presque Isle, MI  
Rogers City, MI  
Saginaw, MI  
Sault Ste Marie, MI  
Chicago, IL  
Ashtabula, OH  
Cincinnati, OH  
Cleveland, OH  
Conneaut, OH

Fairport, OH  
Huron, OH  
Lorain, OH  
Sandusky, OH  
Toledo, OH  
Erie, PA  
Buffalo, NY  
Odgersburg, NY  
Oswego, NY  
Rochester, NY  
Burns Harbor, IN  
E. Chicago, IN  
Gary, IN

**GULF COAST RANGE**

Panama City, FL  
Pensacola, FL  
Port Manatee, FL  
Port St. Joe, FL  
Tampa, FL  
Mobile, AL  
Gulfport, MS  
Pascagoula, MS  
Baton Rouge, LA  
Gretna, LA  
Lake Charles, LA  
Louisiana Offshore Oil Port, LA  
New Orleans, LA  
Beaumont, TX  
Brownsville, TX  
Corpus Christi, TX  
Freeport, TX  
Galveston, TX  
Harbor Island, TX  
Houston, TX  
Orange, TX  
Port Arthur, TX  
Port Isabel, TX  
Port Lavaca, TX  
Port Neches, TX  
Sabine, TX  
Texas City, TX

**SOUTH PACIFIC RANGE**

Alameda, CA  
Antioch, CA  
Benicia, CA  
Carlsbad, CA  
Carpinteria, CA  
Crockett, CA  
El Segundo, CA  
Eureka, CA  
Estero Bay, CA  
Gaviota, CA  
Huntington Beach, CA  
Long Beach, CA  
Los Angeles, CA  
Mandalay Beach, CA  
Martinez, CA  
Moss Landing, CA  
Oakland, CA  
Pittsburg, CA  
Port Costa, CA  
Port Hueneme, CA  
Port San Luis, CA  
Redwood City, CA

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Richmond, CA  
Sacramento, CA  
San Diego, CA  
San Francisco, CA  
Selby, CA  
Stockton, CA  
Vallejo, CA  
Ventura, CA  
Barbers Point, HI  
Hilo, HI  
Honolulu, HI  
Kahului, HI  
Kaunakakai, HI  
Kawaihae, HI  
Nawiliwili, HI  
Port Allen, HI

### **Subpart G—Enforcement of the Limitations Imposed on Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports**

SOURCE: 60 FR 3969, 3977, Jan. 19, 1995, unless otherwise noted.

#### **§ 655.600 Enforcement authority of Administrator, Wage and Hour Division.**

(a) The Administrator shall perform all the Secretary's investigative and enforcement functions under section 258 of the INA (8 U.S.C. 1288) and subparts F and G of this part.

(b) The Administrator, pursuant to a complaint, shall conduct such investigations as may be appropriate and, in connection therewith, enter and inspect such places and such records (and make transcriptions or copies thereof), question such persons and gather such information as deemed necessary by the Administrator to determine compliance regarding the matters which are the subject of the investigation.

(c) An employer being investigated shall make available to the Administrator such records, information, persons, and places as the Administrator deems appropriate to copy, transcribe, question, or inspect. No employer subject to the provisions of section 258 of the INA (8 U.S.C. 1288) and subparts F and G of this part shall interfere with any official of the Department of Labor performing an investigation, inspection or law enforcement function pursuant to 8 U.S.C. 1288 or subpart F or G of this part. Any such interference shall be a violation of the attestation

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and subparts F and G of this part, and the Administrator may take such further actions as the Administrator considers appropriate. (NOTE: Federal criminal statutes prohibit certain interference with a Federal officer in the performance of official duties. 18 U.S.C. 111 and 18 U.S.C. 1114.)

(d)(1) An employer subject to subparts F and G of this part shall at all times cooperate in administrative and enforcement proceedings. No employer shall intimidate, threaten, restrain, coerce, blacklist, discharge, retaliate, or in any manner discriminate against any person because such person has:

(i) Filed a complaint or appeal under or related to section 258 of the INA (8 U.S.C. 1288) or subpart F or G of this part;

(ii) Testified or is about to testify in any proceeding under or related to section 258 of the INA (8 U.S.C. 1288) or subpart F or G of this part;

(iii) Exercised or asserted on behalf of himself or herself or others any right or protection afforded by section 258 of the INA (8 U.S.C. 1288) or subpart F or G of this part.

(iv) Consulted with an employee of a legal assistance program or an attorney on matters related to section 258 of the Act or to subpart F or G of this part or any other DOL regulation promulgated pursuant to 8 U.S.C. 1288.

(2) In the event of such intimidation or restraint as are described in paragraph (d)(1) of this section, the conduct shall be a violation of the attestation and subparts F and G of this part, and the Administrator may take such further actions as the Administrator considers appropriate.

(e) The Administrator shall, to the extent possible under existing law, protect the confidentiality of any person who provides information to the Department in confidence in the course of an investigation or otherwise under subpart F or G of this part. However, confidentiality will not be afforded to the complainant or to information provided by the complainant.

#### **§ 655.605 Complaints and investigative procedures.**

(a) The Administrator, through an investigation, shall determine whether a basis exists to make a finding that: